

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 NSCE-00 SSO-00 INRE-00 ACDA-12
CIAE-00 INR-10 IO-13 L-03 NSAE-00 EB-08 NRC-05
OES-07 SOE-02 DODE-00 DOE-11 SS-15 SP-02 CEQ-01
EPA-01 PM-05 /108 W
-----007050 071934Z /43

O 071857Z MAR 78
FM AMEMBASSY BRUSSELS
TO SECSTATE WASHDC IMMEDIATE 5334
INFO ALL EC CAPITALS
USMISSION IAEA VIENNA

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 04468

USEEC

E.O. 11652: GDS
TAGS: EEC, US, MNUC
SUBJECT: EC FOREIGN MINISTERS COUNCIL, MARCH 7, 1978:
RENEGOTIATION OF US/EURATOM AGREEMENT

REF: BRUSSELS 3806

1. SUMMARY: THE MARCH 7 EC FOREIGN MINISTERS COUNCIL
ENGAGED IN INCONCLUSIVE DEBATE ON THE RESPONSE TO BE MADE
TO THE US NOTE OF LAST OCTOBER REQUESTING THAT US/EURATOM
NUCLEAR COOPERATION AGREEMENTS BE RENEGOTIATED. AN 8-1
MAJORITY SUPPORTED EC COMMISSIONER BRUNNER'S RECOMMENDATION
THAT THE COMMUNITY AGREE TO RENEGOTIATION, BUT FRENCH
FOREIGN MINISTER DEGUINGAUD'S STRONG OPPOSITION RULES
OUT A CONSENSUS. THE MATTER HAS BEEN REFERRED BACK TO
COREPER FOR REVIEW PRIOR TO FURTHER COUNCIL DISCUSSION
ON APRIL 4. END SUMMARY.

2. ACCORDING TO COMMISSION AND PERMREP OFFICIALS, BRUNNER
OPENED SUBSTANTIVE DEBATE BY RECOMMENDING THAT THE COUNCIL
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AGREE TO RENEGOTIATION, SUBJECT TO THE FOLLOWING CON-
DITIONS:

(A) THE EURATOM ROLE IN NUCLEAR SUPPLY SHOULD IN NO WAY
BE COMPROMISED;

(B) CONTINUATION OF NUCLEAR SUPPLY BY THE US SHOULD BE

ASSURED;

(C) AGREEMENT TO RENEGOTIATE SHOULD NOT PREJUDICE THE COMMUNITY NEGOTIATING POSITION; AND

(D) AGREEMENT TO RENEGOTIATE SHOULD NOT PREJUDICE RESULTS OF INFCE. OUR SOURCES SAY BRUNNER TOLD THE COUNCIL THAT AMBASSADOR SMITH HAS EMPHASIZED THAT THE US ADMINISTRATION WISHES TO FACILITATE US/EURATOM DISCUSSIONS ON THIS ISSUE AND WILL PLAY A POSITIVE ROLE TO THAT END VIS-A-VIS THE CONGRESS.

3. OUR SOURCES SAY THAT ALL DELEGATIONS BUT FRANCE WERE SUPPORTIVE OF BRUNNER'S RECOMMENDATIONS. BELGIAN FOREIGN MINISTER SIMONET, IN PARTICULAR, LAUDED THE POSITIVE TONE UNDERLYING AMBASSADOR SMITH'S RECENT DISCUSSIONS IN BRUSSELS, CONTRASTING THESE WITH WHAT HE TERMED THE "UNACCEPTABLE" APPROACH BY THE USG LAST OCTOBER, BEFORE THE NON-PROLIFERATION ACT HAD EVEN PASSED.

4. DEGUINGAUD, HOWEVER, WAS ADAMANT IN HIS OPPOSITION TO RENEGOTIATION. UK FOREIGN SECRETARY OWEN TOLD REPORTERS THAT DEGUINGAUD CLAIMED THE US LEGISLATION IS IN VIOLATION OF INTERNATIONAL AGREEMENTS. ACCORDING TO OUR SOURCES, DEGUINGAUD ALSO EMPHASIZED THAT:

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(A) IT WILL BE THREE TO FOUR YEARS BEFORE SUPPLIES UNDER EXISTING CONTRACTS WITH THE US RUN OUT, AND THESE ARE UNAFFECTED BY THE NEW LEGISLATION;

(B) THE CURRENT US/EURATOM AGREEMENT RUNS UNTIL 1995 AND CANNOT BE UNILATERALLY REVISED;

(C) FRANCE AGREED TO JOIN INFCE ONLY UNDER THE EXPLICIT CONDITION THAT EXISTING CONTRACTS AND AGREEMENTS WOULD NOT BE PREJUDICED;

(D) THE TERMS OF THE US LEGISLATION REMAIN UNCLEAR; FRANCE HAS NOT YET BEEN PROVIDED A TEXT IN FRENCH AND AMBASSADOR SMITH, DURING RECENT DISCUSSIONS, WAS NOT EVEN ABLE TO GIVE DEFINITIVE LEGAL INTERPRETATION OF THE LEGISLATION.

5. OUR SOURCES SAY THAT NO ATTEMPT WAS MADE TO PERSUADE THE FRENCH TO CHANGE THEIR POSITION. THEY EMPHASIZED THAT, BECAUSE THE ISSUE CAME UP UNDER THE "OTHER BUSINESS" PORTION OF THE AGENDA, NO FORMAL DECISION WAS POSSIBLE IN ANY CASE. THE FILE HAS BEEN REFERRED BACK

TO COREPER, AND THE COUNCIL IS EXPECTED TO RESUME DEBATE
AT ITS APRIL 4 SESSION.

6. A FRENCH PERMREP SOURCE EXPLAINED THAT DEGUIRINGAUD
WAS FOLLOWING THE ADVICE OF HIS NUCLEAR EXPERTS IN PARIS
(WHO WOULD LIKELY STILL BE AROUND AFTER THE ELECTIONS,
HE SAID). DEGUIRINGAUD'S APPROACH TO THE COUNCIL WAS
THAT HE WAS SURE THE US WOULD NOT STOP SHIPMENTS OF
ENRICHED URANIUM TO EURATOM BECAUSE OF THE AGREEMENT
NOTED IN PARA 4(C) ABOVE. OTHERWISE, HE TOLD THEM, FRANCE
WOULD WITHDRAW FROM INFCE. HE ARGUED THAT THE US NON-
PROLIFERATION ACT REQUIRES INTRODUCTION OF CERTAIN CON-
DITIONS INTO THE RENEGOTIATED AGREEMENT THAT ARE CLEARLY

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C O N F I D E N T I A L SECTION 02 OF 02 BRUSSELS 04468

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UNACCEPTABLE TO EURATOM (E.G. PRIOR APPROVAL OF REPROCES-
SING) AND THAT THEREFORE THERE IS NO POINT IN EVEN OPENING
NEGOTIATIONS.

7. COMMENT: THE POSITIVE IMPACT OF AMBASSADOR SMITH'S
RECENT VISIT TO BRUSSELS IS CLEARLY ILLUSTRATED BY THE
NEARLY UNANIMOUS SUPPORT FOR BRUNNER'S PROPOSAL.
DEGUIRINGAUD'S POSITION, WHILE NOT A SURPRISE, SEEMS TO
BE BASED ON RATHER WEAK, AND IN AT LEAST ONE CASE
INCORRECT, ARGUMENTS. HIS "WHO CARES?" ATTITUDE
OF PARA 4(A) ABOVE IGNORES THE FACT THAT WHILE SUPPLY
CONTRACTS HAVE LONG TERMS, EXPORT LICENSES ARE NEEDED
FOR EACH SHIPMENT, SO THAT SUPPLIES WILL IN FACT BE

AFFECTED BY THE NEW LEGISLATION. THE NEXT COUNCIL MEETING
WILL OCCUR PRIOR TO THE END OF THE THIRTY-DAY GRACE
PERIOD, BUT WITH THE SAME NUCLEAR ESTABLISHMENT STILL
LIKELY TO BE IN PLACE IN PARIS. QUESTION: WILL THE
FRENCH POSITION CHANGE AFTER THEIR PARLIAMENTARY
ELECTIONS? IF SO, HOW SOON, BEARING IN MIND THAT IT
PRESUMABLY WILL TAKE TIME TO FORM A NEW GOVERNMENT?
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